

REMARKS

Claims 1-37 were presented for examination in the present application and remain pending for consideration upon entry of the instant response. Applicants respectfully reserve the right to file a divisional application directed to the non-elected subject matter.

Claims 1 and 23 are independent.

The Office Action requires restriction under PCT Rule 13.1 between the process of Group I (claims 1-22) and the melting material of Group II (claims 23-37).

Further, the Office Action requires restriction under PCT Rule 13.1 between Species A (claim 9) and Species B (claim 10), Species C (claim 12) and Species D (claim 13), Species E (claim 19) and Species F (claim 20), and Species G (claim 21) and Species H (claim 22).

The Office Action acknowledges that claims 1-8, 11, and 14-18 are generic to Species A through H.

Applicants elect, with traverse, the invention of Group I (claims 1-22), Species A (claim 9), Species D (claim 13), Species E (claim 19), and Species H (claim 22). Applicants submit that the elected embodiments that read on claims 1-9, 11, 13-19, and 22.

With respect to the traversal of the restriction with respect to Group II, Applicants respectfully traverse the Office Action's assertion that claim 1 lacks inventive step over WO0153222 to Kunert et. al (Kunert).

Applicants respectfully traverse this assertion. Claim 1 recites, in part, a boron-containing melting material. Although Kunert may lanthane-borate glass, the

composition of this glass is not disclosed or suggested as lacking alkaline oxides or having a low silicon content. Thus, Applicants submit that Kunert clearly fails to disclose or suggest glass having the composition as defined in claim 1.

In view of the above, Applicants submit that Kunert fails to establish that the claims of Group I and II lack a single inventive concept or special technical feature.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement with respect to non-elected Group II and, thus, request examination of non-elected claims 23-37 along with the elected claims.

In addition, Applicants traverse the restriction requirement with respect to Species A through H on the same grounds discussed above with respect to Group II, namely that Kunert does not support a finding that claim 1 lacks novelty.

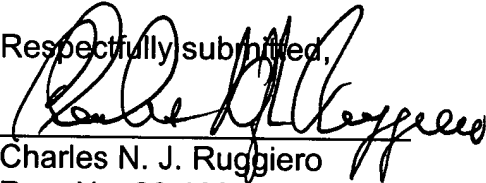
Thus, Applicants submit that Kunert fails to establish that the claims of Species A through H lack a single inventive concept or special technical feature.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement with respect to non-elected Species B (claim 10), Species C (claim 12), Species F (claim 20), and Species G (claim 21) and, thus, request examination of non-elected claims 10, 12, and 20-21 along with the elected claims.

In view of the above, it is respectfully submitted that the present application is in condition for examination. Applicants respectfully request favorable consideration and passage of this application to allowance.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

November 24, 2008

Respectfully submitted,


Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401